

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>MICHAEL ROBERTS,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 05-cv-0454 (GMS)</b>
	:	
<b>ALTAIR LINES, S.A.,</b>	:	
	:	
<b>Defendant/Third-Party Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>ACTIVE CRANE RENTALS, INC.,</b>	:	
	:	
<b>Third-Party Defendant,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>MURPHY MARINE SERVICES, INC., and</b>	:	
<b>MAGCO CRANE RENTALS,</b>	:	
	:	
<b>Fourth-Party Defendants.</b>	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of Fourth Party Defendant, Murphy Marine Services, Inc.'s motion to Dismiss Count I and II of the Fourth Party Complaint pursuant to Fed.R.Civ.P. 12(b)(6) and to Strike Impleader under Fed.R.Civ.P. 14(c), it is hereby ORDERED that said motion is DENIED as to Defendant, Murphy Marine Services, Inc.'s Motion to Dismiss Counts I and II of the Fourth Party Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

It is further ORDERED that Defendant, Murphy Marine Services, Inc.'s Motion to Strike all references to Rule 14(c) in the Fourth Party Complaint is GRANTED.

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J.